

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

LIBERTY MUTUAL INSURANCE
COMPANY,

Plaintiff,

v.

THE BLACK & DECKER
CORPORATION, BLACK & DECKER
INC., BLACK & DECKER (U.S.)
INC., EMHART CORPORATION,
and EMHART, INC.,

Defendants.

C.A. No. 96-10804-DPW
C.A. No. 1:04-CV-10678-DPW
(Shaffer Landfill Site)

PLAINTIFF'S ASSENTED-TO MOTION TO FILE DOCUMENTS
UNDER SEAL

The plaintiff, Liberty Mutual Insurance Company ("Liberty Mutual"), pursuant to Local Rule 7.2, hereby moves to file under seal Liberty Mutual Insurance Company's Supplemental Motion For Summary Judgment With Respect To The Shaffer Landfill Site, Liberty Mutual Insurance Company's Memorandum Of Law In Support Of Its Supplemental Motion For Summary Judgment With Respect To The Shaffer Landfill Site, and the Affidavit of Janice Kelley Rowan In Support Of Liberty Mutual Insurance Company's Supplemental Motion For Summary Judgment With Respect To The Shaffer Landfill Site (collectively "the Documents") because these Documents contain references to confidential documents and other papers, that Liberty Mutual and/or the defendants (collectively "Black &

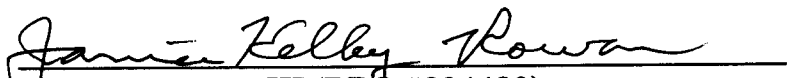
Decker”) filed under seal previously with this Court. As grounds for this Motion, Liberty Mutual states as follows:

1. The Documents reference papers that Liberty Mutual and/or Black & Decker filed under seal previously with this Court. These papers include confidential documents. Liberty Mutual and/or Black & Decker desire(s) that the papers filed under seal previously with this Court remain under seal.
2. This Motion is filed to protect Liberty Mutual's and/or Black & Decker's interest in maintaining the confidentiality of the confidential documents which, otherwise, would be available for inspection and copying by the general public.
3. Liberty Mutual files this Motion in good faith, and not for the purpose of delay. The defendants, the Black & Decker Corporation, Black & Decker, Inc., Black & Decker (U.S.) Inc., Emhart Corporation, and Emhart, Inc., will not be prejudiced in any manner by Liberty Mutual's request since they will have a copy of the Documents, and all information contained therein including the papers previously filed under seal, and they have assented to this Motion.
4. Accordingly, pursuant to Local Rule 7.2, Liberty Mutual requests that the Court enter an Order authorizing the sealing of the Documents.
5. Liberty Mutual requests that the Court maintain the Documents under seal until this action is closed. At that time, Liberty Mutual requests that the Documents be returned to the undersigned counsel.
6. Black & Decker assents to this Motion to File Documents Under Seal.

WHEREFORE, the Plaintiff, Liberty Mutual Insurance Company, respectfully requests that the Court grant this Motion and require that the Documents be kept under seal and for such other and further relief as this Court deems just and proper.

LIBERTY MUTUAL INSURANCE COMPANY


By its attorneys,


Ralph T. Lepore III (BBO #294420)
Janice Kelley Rowan (BBO #265520)
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(617) 523-2700

Dated: October 20, 2004

LOCAL RULE 7.1(A)(2) CERTIFICATION

I hereby certify that I conferred with counsel for defendants, Richard Binder, by telephone on October 14, 2004, and Mr. Binder assented to the filing of this motion.


Janice Kelley Rowan

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of October, 2004, I caused a copy of the foregoing motion to be served by hand upon counsel for defendants, Jack R. Pirozzolo, at Willcox, Pirozzolo and McCarthy, P.C., 50 Federal Street, Boston, MA 02110.


Janice Kelley Rowan

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